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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,479	10/11/2001	Yoko Saino	1232-4778	9757
27123	7590	05/25/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			KOROBOV, VITALI A	
		ART UNIT		PAPER NUMBER
		2155		

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/975,479	SAINO ET AL.	
	Examiner Vitali Korobov	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 April 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

Response to Amendment

1. This Office Action is in response to the amendment filed 04/18/2005.

Claims 1, 9,10, 18, 19 were amended.

Claims 1 – 19 are pending in this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1-4, 9,10-13, 18 and 19 above are rejected under 35 U.S.C. 103(a) as being unpatentable as being anticipated by U.S. Patent 6,446,108 to et al. (hereinafter Rosenberg), in view of U.S. Patent 6,426,945 to Sengodan (hereinafter Sengodan).

With respect to Claim 1, Rosenberg teaches a communication terminal connected to, via a network, a service provider and to a look-up service that registers service objects defining services of the service provider, where the communication

terminal uses the services of the service provider by using the service objects, the communication terminal comprising: look-up service search means for searching the look-up service in the network (Rosenberg, Fig. 2, step 6, 7). Rosenberg does not explicitly teach the amended limitations of claim 1. Sengodan teaches the amended limitations of claim 1, namely, the determining means for determining whether said look-up service means can search the look-up service (Sengodan, col. 3, lines 55 – 62 – alternative action when search request receives no response, col. 6, lines 10 – 15 – feedback mechanism to assist in determination what the next step should be); first acquisition means for acquiring, if said determining means determines that said look-up service search means can search the look-up service, a desired service object by checking whether the desired service object is registered in the searched look-up service (Rosenberg, Fig. 2, step 8, 9, 10); transmission request notification means for issuing, if said determining means determines that said look-up service search means cannot search the look-up service (Sengodan, col. 3, lines 55 – 62 – alternative action when search request receives no response), a transmission request notification to the service provider in the network via the network in order to request the service provider to transmit a service object (Sengodan, Fig. 2, item 250 – request for service); and second acquisition means responsive to the transmission request notification from said transmission request notification means for acquiring a service object transmitted from the service provider without involvement of the look-up service (Sengodan, Fig. 2, item 252, col. 6, lines 19 – 27 – unicast transmission from service to client (Discoveree to Discoverer) without involvement of the look-up service). Rosenberg and Sengodan are

analogous art because they are both related mechanisms employed by clients in order to obtain and use services on a network. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Sengodan with the teachings of Rosenberg in order to provide clients with an efficient way of discovering network resources when dynamic resource discovery is warranted (Sengodan, col. 3, lines 35-38), and when there is a need for a method of providing resource discovery using multicast scope selection (Sengodan, col. 3, lines 39-41).

With respect to Claim 2, Rosenberg/Sengodan combination teaches all the limitations of Claim 1 and further teaches a communication terminal according to claim 1, wherein the service provider responds to a multi cast notification (Sengodan, column 6, lines 6 – 8) and transmits a service object of the service provider to a transmission originating site of the multi cast notification in order to register the service object in the transmission originating site. (Sengodan, Fig. 2, item 252, col. 6, lines 19 – 27 – unicast transmission from service to client). Rosenberg and Sengodan are analogous art because they are both related mechanisms employed by clients in order to obtain and use services on a network. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to combine the teachings of Sengodan with the teachings of Rosenberg in order to provide clients with an efficient way of discovering network resources when dynamic resource discovery is warranted (Sengodan, col. 3, lines 35-38), and when there is a need for a method of providing resource discovery using multicast scope selection (Sengodan, col. 3, lines 39-41).

With respect to Claim 3, Rosenberg/Sengodan combination teaches all the limitations of Claim 2 and a communication terminal according to claim 2, wherein the transmission request notification by said transmission request notification means is performed by issuing the multicast notification to the network. (Rosenberg, Figure 1, step 1).

With respect to Claim 4, Rosenberg/Sengodan combination teaches all the limitations of Claim 2 and further teaches a communication terminal according to claim 2, wherein the look-up service issues the multi cast notification to the network, (Rosenberg, Figure 2, step 3) and registers the service object in response to a request from the service provider responding to the multi cast notification (Rosenberg, Figure 2, step 2).

Claims 9, 18 and 19 are rejected in view of the above rejection of Claim 1. In the computer network art, a computer system product is essentially a computer program product (software), said program residing on a storage medium, and can be loaded into a general purpose computer to convert it into a specific machine that performs the steps of a method to be performed by the loaded program product and/or software. Claim 9 is essentially the same as Claim 1, except that it sets forth the claimed invention as a system rather than an apparatus as recited in Claim 1. Claim 18 is essentially the same as Claim 1, except that it sets forth the claimed invention as a storage medium rather than an apparatus as recited in Claim 1. Claim 19 is essentially the same as Claim 1, except that it sets forth the claimed invention as a computer readable program rather

than an apparatus as recited in Claim 1. Therefore, Claims 9, 18 and 19 are rejected under the same rationale given to Claim 1 above.

Claims 10 - 13 are rejected in view of the above rejection of Claims 1 - 4 as differing from Claims 1 - 4 only in statutory category. Claims 10 - 13 are essentially the same as claims 1 - 4, except that they set forth the invention as a method rather than an apparatus.

4. Claim 5 – 8 and 14 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg in view of U.S. Patent 6,708,171 by Waldo et al. (Waldo).

With respect to Claim 5, Rosenberg/Sengodan combination teaches a communication terminal according to claim 3, wherein another client is connected to the network, and responds to the multicast notification to request a transmission site of the multicast notification to search a desired service (Rosenberg, col. 2, lines 23 – 42). Rosenberg/Sengodan combination fails to explicitly teach said terminal wherein the communication terminal further comprises rejection means for rejecting a service search request from the other client. The applicant states the conditions relevant to Claim 5 arise in the system “erroneously” (Specification, page 9, line 22). It is noted that one of ordinary skills in the art would have known that the error-handling procedures are inherently present in any operable system related to computer network art. Further, Waldo teaches the invocation of error-handling exception handlers to perform selected error recovery operations in cases where an error condition arises with respect to locating an appropriate stub. Stubs taught by Waldo are analogous to service agents as taught by the instant application. (Figure 4 of Waldo). Service items taught by Waldo are

analogous to service objects as taught by the instant application. (Compare the definition of a “service object” on p. 7, line 25 – 27 and Figure 4 of Waldo). Therefore, Waldo, broadly interpreted, teaches said communication terminal wherein the communication terminal further comprises rejection means for rejecting a service search request from the other client. (Waldo, col. 13, lines 38 – 42). Rosenberg/Sengodan combination and Waldo are analogous art because they are both related to clients obtaining and using services of service providers on a network. Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to modify Rosenberg/Sengodan combination by employing exception handlers as taught by Waldo in order to perform error recovery operations related to erroneous service search requests by clients. A person of ordinary skills in the art would be motivated to incorporate Waldo into Rosenberg/Sengodan combination because this incorporation would make the system more efficient by reducing run-time errors, while loading the programs dynamically. (See Waldo, Col. 3, lines 32 – 36).

With respect to Claim 6, Rosenberg/Sengodan combination teaches all the limitations of Claim 1, and further teaches a communication terminal according to claim 1, wherein said second acquisition means includes service object reception means for receiving a service object transmitted from the service provider without involvement of the look-up service (Rosenberg, Col. 6, line 4 – 10) and filtering means for acquiring a desired service object (Rosenberg, Col. 6, line 14 – 20; Col. 6, lines 47 – 50). Rosenberg fails to explicitly teach filtering means for acquiring a desired service object by selecting from service objects received by said service object reception means.

Waldo teaches filtering means for acquiring a desired service object by selecting from service objects received by said service object reception means. (Waldo, col. 16, lines 33 – 36).

With respect to Claim 7, a combined teaching of Rosenberg/Sengodan/Waldo teach a communication terminal according to claim 6. Rosenberg/Sengodan combination fails to explicitly teach the further limitations of Claim 7. Waldo teaches further limitations of Claim 7, namely filtering means of Claim 6, wherein said filtering means deletes a service object other than the desired service object, among the service objects received by said service object reception means. (Waldo, col. 15, lines 38 – 39; col. 16, lines 33 – 36; Col. 16, lines 48 – 50

With respect to Claim 8, Rosenberg/Sengodan combination teaches all the limitations of Claim 1. Rosenberg/Sengodan combination fails to explicitly teach the further limitations of Claim 8. Waldo teaches further limitations of Claim 8, namely the service object, wherein the service object includes an agent object which is program codes used for using each service of the service provider by the communication terminal, and attribute information of the service (Waldo, Figure 4). Therefore, it would have been obvious to one having ordinary skills in the art at the time the invention was made to further modify Rosenberg/Sengodan combination by implementing teachings of Waldo.

Claims 14 - 17 are rejected in view of the above rejection of Claims 5 - 8 as differing from Claims 5 - 8 only in statutory category. Claims 14 – 17 are essentially the

same as Claims 5 – 8, except that they set forth the invention as a method rather than an apparatus.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 9, 10, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

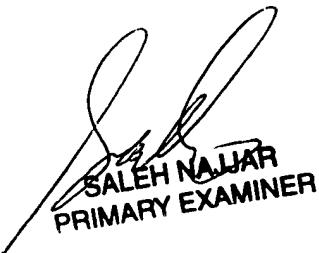
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

05/20/2005



SALEH NAJAR
PRIMARY EXAMINER